

ORIGINAL

FILED

April 30 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Case No. DA 09-0682

JEANNETTE DIAZ, LEAH HOFFMANN-BERNHARDT, RACHEL DAUTON,  
individually and on behalf of others similarly situated

FILED

Appellant,

APR 30 2010

v.

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

BLUE CROSS & BLUE SHIELD OF MONTANA, NEW WEST HEALTH  
SERVICES, MONTANA COMPREHENSIVE HEALTH ASSOCIATION,  
STATE OF MONTANA, and JOHN DOES 1-100,

Defendants.

**NEW WEST HEALTH SERVICES' UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE ITS ANSWER BRIEF**

On Appeal from the District Court of the First Judicial District  
of the State of Montana in and for the County of Lewis and Clark

Cause No. BDV-2008-956  
The Honorable Jeffrey Sherlock

Leo S. Ward  
Kimberly A. Beatty  
Daniel J. Auerbach  
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BERRY & HOVEN, P.C.  
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New West Health Services, by and through its counsel, Browning, Kaleczyc, Berry & Hoven, P.C., respectfully moves this Honorable Court pursuant to Rule 26 of the Montana Rules of Appellate Procedure for a thirty-day extension of time to file its Answer Brief. New West Health Services' Answer Brief would be due on or before May 12, 2010. New West Health Services hereby requests that it be allowed to prepare, file and serve its Answer Brief on or before June 11, 2010, the same date that co-Appellees Blue Cross and Blue Shield of Montana, Inc. and the State of Montana requested in their Motions for Extension of Time, which were granted by the Court.

In accordance with Rule 26(1), Mont. R. App. P., counsel for Appellee New West Health Services contacted counsel for Appellants and he had no objection to the Motion. Pursuant to Rule 16(1), Mont. R. App. P., a proposed order is submitted herewith for the Court's consideration.

Dated this 24th day of April, 2010.

BROWNING, KALECZYC, BERRY & HOVEN,  
P.C.

By Leo S. Ward

Leo S. Ward  
Kimberly A. Beatty  
Daniel J. Auerbach

Attorneys for New West Health Services

## CERTIFICATE OF MAILING


I hereby certify that on the 29<sup>th</sup> day of April, 2010, I mailed a true and correct copy of the above and fore going Motion for Extension of Time, by the United States Postal Services, postage prepaid, addressed to the following counsel of record:

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BROWNING, KALECZYC, BERRY & HOVEN,  
P.C.

## CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11(4), Mont.R.App.P., I certify that New West Health Services' Motion for Extension of Time to File its Answer Brief, is double spaced, is a proportionately spaced 14 point Times New Roman typeface, and contains 225 words.

  
BROWNING, KALECZYC, BERRY & HOVEN,  
P.C.